



Customer No. 26308

PATENT

Docket No. 9494.17965-CIP 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The application of: Bolduc et al.
 Serial No: 10/669,881
 Filed: 24 September 2003
 For: Catheter-Based Fastener Implantation Apparatus and Methods With Implantation Force Resolution

Group Art Unit: 3731
 Examiner: Tan-Uyen T. Ho

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE
 OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 CFR 1.97(c))**

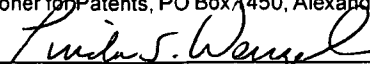
- NOTE:** "An information disclosure statement shall be considered by the Office if filed ... before the mailing date of either (1) a final action under S 1.113 or (2) a notice of allowance under S 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in S 1.17(p)." 37 CFR 1.97(c).
- NOTE:** "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE:** "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- WARNING:** "A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

**TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION
 DISCLOSURE STATEMENT**

- The information disclosure statement transmitted herewith is being filed AFTER THREE MONTHS OF THE FILING DATE OF THIS NATIONAL APPLICATION OR THE DATE OF ENTRY OF THE NATIONAL STAGE AS SET FORTH IN S 1.491 IN AN INTERNATIONAL APPLICATION OR AFTER THE MAILING DATE OF THE FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURRED LAST BUT BEFORE THE MAILING DATE OF EITHER:
 - a final action under § 1.113 or
 - a notice of allowance under § 1.311, whichever occurs first.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, in an envelope addressed as follows: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on 10 May 2006


 Signature of Person Signing

Linda S. Wenzel
 Type or Print Name of Person Signing

CERTIFICATION OR FEE

2. Accompanying this transmittal is
(check either A or B below)
- A. ☐ a certification as specified in 37 CFR 1.97(e)
OR
- B. ☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under S 1.97(c). (\$180.00).

FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under S 1.97(c) (\$180.00).

Fee due \$ 180.00**METHOD OF PAYMENT OF FEE**

4. ☒ Attached is check in the amount of \$ 180.00
- ☐ Charge Account No. ____ in the amount of \$ _____
A duplicate of this request is attached.


The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

If any additional fees are due, please charge Account No. 06-2360.

Reg. No. 29,243

Telephone No.: (262) 783 - 1300

Customer No. 26308



Signature of Attorney

Daniel D. Ryan

Type or Print Name of Attorney of Record

RYAN KROMHOLZ & MANION, S.C.**Post Office Box 26618****Milwaukee, Wisconsin 53226-0618**_____
Mailing Address of Sender

Receipt date: 05/15/2006

10669881 - GAU. 3773

LIST OF PRIOR ART CITED BY APPLICANT
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ATTY DOCKET NO.
9494.17965-CIP 2

SERIAL NO.
10/669,881

APPLICANT
Bolduc et al.

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GROUP
3731

MAY 15 2006

U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	2,033,039	03/1936	Limpert			
	3,686,740	08/1972	Shiley			
	3,799,172	03/1974	Szpur			
	4,140,126	02/1979	Choudhury			
	4,307,722	12/1981	Evans			
	4,580,568	04/1986	Gianturco			
	4,781,682	11/1988	Patel			
	4,898,577	02/1990	Badger et al.			
	4,921,484	05/1990	Hillstead			
	5,030,204	07/1991	Badger et al.			
	5,042,707	08/1991	Taheri			

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
0 321 912	12/1987	EP			
0 663 184	01/1994	EP			
2,299,548	01/1975	FR			
WO 97/03616	02/1997	WO			
WO 99/53845	10/1999	WO			
WO 00/16701	03/2000	PCT			

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	5mm Origin Tracker™ It Runs In Circles Around Staples, 1995 Advertising Literature
	"The Spiral Tracker: A New Technique for Stabilizing Prosthetic Mesh in Laparoscopic Hernia Repair", November 1995 <i>Surgical Rounds</i>
	"Laparoscopic Surgery", <i>MedPro Month October 1995, pg 190</i>
	"Assisted TAPP Procedure", Newman III et al., Circa 1995
	"Extraperitoneal Endoscopic Burch Repair Using a Tacker Mesh Technique", Hatchett et al., Circa 199

EXAMINER /Melissa Ryckman/ (12/10/2008)

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through and not considered. Include copy of this of with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. MR/

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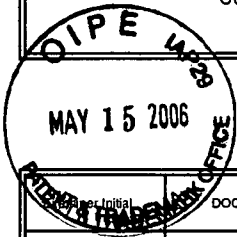
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	5,071,407	12/1991	Termin et al.			
	5,104,399	04/1992	Lazarus			
	5,330,490	07/1994	Wilk et al.			
	5,330,503	07/1994	Yoon			
	5,470,337	11/1995	Moss			
	5,480,382	01/1996	Hammerslag et al.			
	5,489,295	02/1996	Piplani et al.			
	5,562,728	10/1996	Lazarus et al.			
	5,571,171	11/1996	Barone et al.			
	5,571,173	11/1995	Parodi			
	5,582,616	12/1996	Bolduc et al.			
	5,662,700	09/1997	Lazarus			
	5,676,696	10/1997	Marcade			
	5,676,697	10/1997	McDonald			
	5,700,269	12/1997	Pinchuk et al.			
	5,702,365	12/1997	King			
	5,713,907	02/1998	Hogendijk et al.			
	5,810,882	09/1998	Bolduc et al.			
	5,824,008	10/1998	Bolduc et al.			
	5,824,041	10/1998	Lenker et al.			
	5,855,565	01/1999	Bar-Cohen et al.			
	5,957,940	09/1999	Tanner et al.			
	5,964,772	10/1999	Bolduc et al.			
	5,968,053	10/1999	Revelas			
	5,972,023	10/1999	Tanner et al.			

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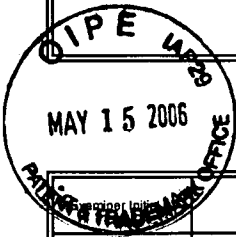
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5,980,548	11/1999	Evans et al.			
5,993,401	11/1999	Inbe et al.			
5,993,466	11/1999	Yoon			
6,126,685	10/2000	Lenker et al.			
6,145,509	11/2000	Tanner			
6,217,597	04/2001	Tanner			
6,248,118	06/2001	Tanner et al.			
6,258,119	07/2001	Hussein et al.			
6,270,516	08/2001	Tanner et al.			
6,287,315	09/2001	Wijeratne et al.			
6,296,656	10/2001	Bolduc et al.			
6,302,906	10/2001	Goicoechea et al.			
6,336,933	01/2002	Parodi			
6,371,919	04/2002	Tanner et al.			
6,409,757	06/2002	Trout, III et al.			
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6,800,081	10/2004	Parodi			
5,639,278	06/1997	Dereume et al.			
6,146,339	11/2000	Biagtan et al.			
5,814,016	09/1998	Valley et al.			
5,207,695	05/1993	Trout III			

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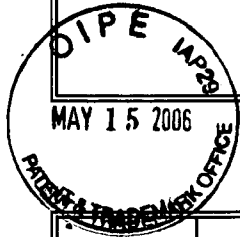
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.	6,086,582	07/2000	Altman et al.			
	4,625,597	12/1986	Cast			
	5,662,683	09/1997	Kay			
'	3,499,222	03/1970	Linkow et al.			
	5,456,714	10/1995	Owen			
	5,626,613	05/1997	Schmieding			
	6,730,119	05/2004	Smalling			
	6,652,572	11/2003	Kugler et al.			
	6,458,152	10/2002	Khosravi et al.			
	6,070,589	06/2000	Keith et al.			
	5,290,295	03/1994	Querals et al.			
	6,960,217	11/2005	Bolduc			

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